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10/664,819	09/17/2003	Andrzej Strak	TRSE121566	3439
26389 7590 07/03/2007 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			EXAMINER	
1420 FIFTH AVENUE			PADEN, CAROLYN A	
SUITE 2800 SEATTLE, WA 98101-2347				PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1)⊠ Responsive to communication(s) filed on 30 May 2007. 2a)⊠ This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)☑ Claim(s) 1-15 and 18-33 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)□ Claim(s) is/are allowed. 6)☑ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.		· · · · · · · · · · · · · · · · · · ·	Application No.	Applicant(s)			
Examiner Carolyn A, Paden C	Office Action Summary		''				
Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estancians of time may be available under the provides of 37 CFR 1.13(a). In a event, haver, may a reply to threely lifed after 5X (6) MONTHS from the realising date of this communication. If ND period for reply is specified blower, the maximum statutory period will apply and will expire 5X (6) MONTHS from the realising date of this communication. If ND period core reply is appendix blower, the maximum statutory period will apply and will expire 5X (6) MONTHS from the realising date of this communication, even if threely filed, may reduce any search patent term adjustment. See 37 CFR 1.704(b). Responsive to communication(s) filed on 30 May 2007. 2a) □ Responsive to communication(s) filed on 30 May 2007. 2a) □ This action is FINAL. 2b) □ This action is reliable to the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.15 and 18-33 is/are pending in the application. 4a) □ Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 1.15 and 18-33 is/are rejected. 7) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ The specification is objected to by the Examiner. Applicant on Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant on Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant on Papers 9) □ The control of ecclaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 11) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some • ○ □ None of: 1. □ Certified copies of the priority documents have been re							
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for the map by exables under the provides of 32 FCR 1.1366, in no even, however, may a reply the timery fired she of the communication of the co		•	Carolyn A. Paden	1761			
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be autilable under the provisions of 37 CFR 1.356, in no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. Fabric to reply specified above, the nearmine statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Fabric to reply within the set or activated period for neply will, by statute, cause the application to become ABANDONED (SS U.S.C. § 133). The status is reply within the set of activated patent term adjustment. See 37 CFR 1.704(b). Status 1) □ Responsive to communication(s) filed on 30 May 2007. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-15 and 18-33 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ Certified copies of the priority documents have been received in Application No. □ a) □ All b) □ Some * c) □ None of: 1 □ Certified copies of the priority documents have been received in Application No. □ a) □ Copies of the certified copies of the priority documents have been received in Application No. □ a) □ Objected Details of the certif		•					
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Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date Other:							

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Applicants' response to the last office action is sufficient to overcome the prior art rejection over Sasaki and Hanson.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (3,897,573) in view of Mahon (3,036,923).

Kelly discloses salting fillets of fish and then coating the salted fillets with a binder made of comminuted fish muscle mixed with salt and phosphate and forming a molded, coated fish fillet (see abstract). In example 1 the coated fish is frozen and then smoked at 86F for about 6 hours and then re-frozen. The claims appear to differ from Kelly in the recitation of the use of phosphate in step a). Mahon teaches the advantages of using sodium and potassium polyphosphates to improve the taste and shelf life of haddock. Table 1 shows the various test solutions. In Table V the salt and phosphate dips are combined. The treatment time is shown at column 3, lines 6-8 to be at 2 minutes. It would have been obvious to one of ordinary skill in the art to utilize the dip of Mahon in place

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of the salt of Kelly to improve the taste and yield of the Kelly fish products. It is appreciated that the treatment temperature is not mentioned but it is well known in the art the cool temperatures act the extent the shelf life of fish products. It is also appreciated that the extent of phosphate and salt in the final product are not mentioned but no unobvious or unexpected difference is seen between the salt and phosphate in the fish product of Kelly in view of Mahon and the extent salt and phosphate in the fish of the process of the claims. To the extent that the binder in Kelly is based upon fish meat, it is considered to be a surimi-based binder. It is appreciated that the orientation of the seafood portions are not mentioned but no unobvious or unexpected result is seen from this feature. It is also appreciated that the size and shape of the seafood pieces are not mentioned but to prepare portions of seafood at a consumable size would have been an obvious way to prepare the seafood. It is finally appreciated that the heat treatment time and temperature of claim 19 is not mentioned but no unobvious or unexpected result is seen from the extent of heat treatment in Kelly. Kelly provides from varying conditions of smoking the fish at column 3, lines 46-47.

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Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Mahon as applied to claims 1-5, 7-15 and 21-33 above, and further in view of Chang (4,411,917).

The claim appears to differ from Kelly in view of Mahon in the recitation of the use of tetra sodium pyrophosphate in fish. Chang teaches that tetra sodium pyrophosphate is well known in the art as a phosphate source for use in fish. It would have been obvious to one of ordinary skill in the art to use the phosphate of Chang in the fish of Kelly in view of Mahon as an obvious phosphate source.

No claim is allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn A Paden whose telephone number is (571) 272-1403. The examiner can normally be reached on Monday to Friday from 7 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks, can be reached on (571) 272-1401 or by dialing 571-272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAROLYN PADEN 6-29-07
PRIMARY EXAMINER

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